

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

LINDA SUE SMYRE,
Plaintiff,

v.

MICHAEL J. ASTRUE¹,
Commissioner of Social Security,
Defendant.

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CIVIL NO. 5:06CV155

**ORDER OF REMAND
PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

The United States of America, by counsel, has moved this Court, pursuant to sentence four of 42 U.S.C. §405(g), to enter an order remanding this case to the Commissioner for further administrative proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89, 101 n.2 (1991); *Shalala v. Schaefer*, 509 U.S. 292, 296-97 (1993). The Commissioner requests voluntary remand of the claim and, it appearing that the plaintiff has consented, good cause exists to support this request for remand.

THEREFORE IT IS ORDERED that, pursuant to sentence four of 42 U.S.C. § 405(g), this case is remanded to the defendant Commissioner for reevaluation of Plaintiff's claim consistent with the specific terms and conditions set forth within the Commissioner's motion, as well as the guidance provided in the Court's October 7, 2003 Order and Appeal Council's December 9, 2003 Order.

IT IS FURTHER ORDERED that final judgment may be entered in this civil action.

Signed: September 25, 2007



Richard L. Voorhees
United States District Judge



¹ Michael J. Astrue, who became the Commissioner of Social Security effective February 12, 2007, is properly substituted as the Defendant in this action. 42 U.S.C. §405(g); FED. R. CIV. P. 25(d)(1).

